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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,634

01/27/2004

Robert W. Helt

TIR 2748, 2837

2260

7590

07/25/2006

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EXAMINER

BANKHEAD, GENE LOUIS

ART UNIT

PAPER NUMBER

3744

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,634

Applicant(s)

HELT ET AL.

Examiner

Gene L. Bankhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 20-22 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 4 and 12-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/27/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/27/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-22, and 26-28 are generally drawn to an apparatus, classified in class 236, subclass 51.

Note: Claims 11-22 are directed toward a process. However, they will be examined with the apparatus because the limitations are similar to claims 1-10.

II. Claims 23-25 are drawn to a method, classified in class 236, subclass 94.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process of Group I can be practiced by a materially different apparatus.

During a telephone conversation with Attorney William Beres on May 26, 2006 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-22, and 26-28. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informalities:

The recitation of "in Figure 6 by numerals 40,42a, etc." (column 11 line 10) is presumed to be --in Figure 6 by numerals 40a,42a,etc.-- to correspond with the drawing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dushane (US 5348078) in view of Foster et al. (US 5181653).

Regarding claim 1 Dushane discloses an air conditioning system 26 with multiple thermostats 50; each including a temperature display 100 and switch actuators (column 9 lines 58-68 and Figure 11a) capable of setting temperature set points. Dushane however fails to teach control circuits in communication with one another such that changing the temperature of any one of the multiple thermostats changes the temperature of all the thermostats. Foster et al. teach an air conditioning system wherein the temperature setpoints in any zone can be altered by any one of the systems thermostats 16a,b,c,n, (column 5 lines 8-15). It would have been obvious to modify the thermostats of Dushane with the air conditioning system of Foster in order to maintain a constant and steady temperature throughout commonly used closed spaces, such as office buildings, houses, etc. This is especially important during the winter

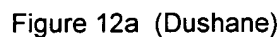
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months when heat costs can be excessive due to large fluctuations in temperature between the ground floor and upstairs levels.

In regards to claim 2 Dushane discloses that each of the multiple thermostats include a radio frequency transmitter 344 (column 11 lines 7-22) and communicate with each other via radio frequency transmission (column 11 lines 7-22 and column 14 lines 7-21).

Regarding claims 3 and 5 Dushane discloses a thermostat with a master controller 70 corresponding to the claimed "control here" switch actuator (Figure 12a) that affects the control of the air conditioning unit to control the temperature in accordance with the temperature set point (column 11 lines 25-35). Dushane further discloses a clock 144 and a visual display of time (Figure 12a). Dushane further teaches switch actuators capable of setting a time displayed by one of said thermostats to effect a change in the time displayed by each of the thermostats (column 9 lines 58-68).

In regard to claim 6, see the rejection of claim 2 as claims cite similar subject matter.



In regard to claim 8 Dushane's central controller (column 13 lines 8-23) is configured to receive signals of the temperature sensed from the other thermostats and control the other thermostats based on the temperature sensed (column 13 lines 35-68 and column 14 lines 1-22).

Regarding claims 9 and 10, see the rejections of claims 5 and 6 as the claims cite similar subject matter.

Regarding claim 11 Dushane discloses an air conditioning system capable of performing the method of controlling the operation of an air conditioning system by sensing temperatures in enclosed spaces 42 and communicating the sensed temperatures between thermostats. Dushane further teaches a system with all physical features of the method as claimed, see the rejection of claim 1.

With regard to claim 20 Dushane further teaches switch actuators capable of setting a time displayed by one of said thermostats to effect a change in the time displayed by each of the thermostats (column 9 lines 58-68).

Regarding claim 21 Dushane discloses a thermostat with a master controller 70 corresponding to the claimed "Control Here" switch as well as capable of actuating the "Control Here" switch to cause the entire system to satisfy a setpoint of the one thermostat (column 11 lines 25-35).

With regard to claim 22 Dushane discloses thermostats including a clock, a time display and a clock setting switch actuator (Figure 12 a) and capable of setting the clock at one of the thermostats to display the time at all the thermostats.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dushane (US 5348078) in view of Ho et al. (US 5833134).

In regard to claim 26, Dushane discloses an air conditioning system 26 with multiple thermostats 50; each including a temperature display 100 and switch actuators (column 9 lines 58-68 and Figure 11a) capable of setting temperature set points. Dushane further teaches multiple thermostats with control circuits operably in communication with one another, column 10 lines 16-36. Dushane further discloses

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multiple thermostats with at least one including a time display, a Daylight Savings Time icon, and a Daylight Savings Time switch actuator for adjusting the time during Daylight Savings time periods (Figure 12a and column 11 lines 33-35).

Regarding claim 27, Dushane discloses that each of the multiple thermostats include a radio frequency transmitter (column 11 lines 7-22) and communicate with each other via radio frequency transmission (column 11 lines 7-22 and column 14 lines 7-21).

With Regard to claim 28, Dushane discloses a thermostat with a master controller 70 corresponding the "Control Here" switch actuator (Figure 12a) that affects the control of the air conditioning unit to control the temperature in accordance with the temperature set point (column 11 lines 25-35).

Allowable Subject Matter

Claims 4, and 12-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene L. Bankhead whose telephone number is (571)-272-8963. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571)-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHERYL TYLER
SUPERVISORY PATENT EXAMINER

Gene Bankhead
Examiner
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